



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,110	03/16/2001	Ryuichi Matsukura	1405.1038	8919

21171 7590 10/09/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/809,110

Applicant(s)

MATSUKURA ET AL.

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

This action is responsive to Applicant's response filed on August 13, 2003 (paper # 4).

Claims 1-22 remain for examination. The drawings received on 3/16/2001 are in compliance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Handel et al.

(U.S. Patent No. 6,195,651).

Regarding claims 1 and 22, Handel discloses a product information method/program wherein: (see title)

acquiring profile information (fig. 10A, item 1060) of a user (fig. 10A, item 1010)

receiving basic information for an individual product; (fig. 10A)

selecting (fig. 10A, item 1070) and presenting (fig. 10A, item 1010, *customer's web browser*) to said user basic information (fig. 10A, item 1080) of a product group regarding the basic product information the user is receiving from a product information database storing basic information of said individual product; and

Art Unit: 2171

selecting and presenting (fig. 10A, 1020) to said user (fig. 10A, 1010) additional information (fig. 10A, 1040) regarding products in said product group presented to the user that corresponds to said user profile information (col. 35, lines 13-16) from a database storing additional information (*content database*) for said individual product (see col. 30, lines 37-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handel et al. (U.S. Patent No. 6,195,651).

Regarding claims 2, 5, 7, 8, 14 Handel discloses a product information system comprising: (see title)

profile information acquisition means (fig. 10A, item 1020) for acquiring profile information (fig. 10A, 1060) of a user (fig. 10A, 1010) wishing to look up basic information for an individual product; (fig. 10A, items 1080)

a product information database storing basic information for said individual product; (fig. 10A, item 1080)

product information presentation means (fig. 10A, 1010) for presenting from said product information database (fig. 10A, 1080) basic information of a product group that said user wishes to look up (fig. 10A, item 1010 and col. 29, line 64 to col. 30, line 14);

a second information database storing additional information for said individual products; (fig. 10A, item 1040)

display parameters *processing* means (fig. 10A, 1020) for selecting corresponding additional information from said second information database (fig. 10A, 1040) based on profile information (fig. 10A, 1060) acquired by said profile information acquisition means; (fig. 10A, item 1020)

an information presentation means (fig. 10A, 1010 *browser displays server's 1070 and 1020 information*) for presenting to said user (fig. 10A, 1010) additional information (fig. 10A, 1040) selected by said display parameters processing means (fig. 10A, 1010 *browser*), but Handel does not expressly teach two unique information presentation means. However, it would have been the ordinary skilled artisan's assessment that having a presentation means that is capable of outputting the same data that of the two presentation means claimed, it would have been obvious to a person of ordinary skill at the time the invention was made to use a supplemental presentation means to have two presentation means for use with multiple applications. One of ordinary skill in the art would have been motivated to use multiple presentation means to meet client needs.

Art Unit: 2171

Regarding claims 3, 4, 6 and 9, Handel discloses the profile information acquisition means conducts wireless communication with a user terminal storing that user's profile information to acquire the user's profile information (fig. 17, items 1710, 1730 and 1750).

(Note: identification of a user is inherent from a user profile)

Regarding claim 10, Handel discloses a product information management server manages a profile database (fig. 10A, 1060 and 1020, and col. 34, lines 35-38).

(Note: merchants trying to provide a service to the user further imply they manage the profile)

Regarding claim 11, Handel teaches a customer management server (fig 10A, 1020) interconnected with said product information server (fig. 10A, 1070) manages a profile database (fig. 10A, 1060, and col. 34, lines 35-38).

(Note: the profile gateway server receives all requests for profile information from the user himself)

Regarding claims 12 and 13, Handel discloses product information server (fig. 10A, 1070) manages said second information database (fig. 10A, 1040).

(Note: server 1070 manages 1040 along with server 1020)

Regarding claims 15-19, Handel discloses a java applet for displaying information, accepting text input (col. 8, lines 35-61), and managing text messages (fig. 11, items 1111-1122).

(Note: for more detail also see agents on col. 35 lines 38-61)

Art Unit: 2171

Regarding claims 20 and 21, Handel discloses an order procedure accepting product orders from user terminal (fig. 10A, items 1090 and 1010).

Response to Arguments

Applicant's arguments filed on August 13, 2003 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on page 12 of the 8/13/2003 response that, "Handel does not provide additional information about a product presented to the user depending on the user profile."

In response to Applicant's argument, the Examiner disagrees. Referring to Handel fig. 10A, Handel discloses a customer (1010) acquiring basic information from a supplier (1070 and 1080) while a server (1020) uses the customer's profile (1060) along with the supplier's product information (1070 and 1080) to select information for the customer consisting of additional products or services (1030 and 1040) based on a supplier and customer profile database (see col. 35, lines 16-18 and fig. 18, Handel).

Examiner makes note of the pertinent prior art cited on 5/13/2003 which further discloses user profiles in marketing systems.

With respect to all the pending claims 1-22, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF
October 7, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100